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NOTE

From: Presidency
To: Delegations

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 1308/2013 and Regulation (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in the educational establishments
Proposal for a COUNCIL REGULATION amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products
- Information from the Presidency

1. On 30 January 2014 the Commission submitted two proposals. The first aims at amending Regulation (EU) No 1308/2013 and Regulation (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in the educational establishments (the "CMO proposal", doc. 5958/14). The second amends Regulation (EU) No 1370/2013 (the "Fixing Regulation", doc. 6054/14).
2. The European Parliament (EP) appointed Mr Marc Tarabella (S&D, BE) as rapporteur. It adopted (at plenary level) its negotiating mandate to enter interinstitutional negotiations on 27 May 2015. This mandate includes 49 amendments to the Commission proposal¹.

¹ Doc. 10312/15.

3. The Economic and Social Committee adopted its opinion on the CMO proposal at its 500th plenary session, on 9 July 2014. The Committee of the Regions, consulted by the Council on the CMO proposal on an optional basis², adopted its opinion at its 108th plenary session, on 7 October 2014.
4. In the Council the proceedings started under the Greek Presidency and were carried over by the Italian Presidency. The works were then suspended in the Council following a letter sent to the Commission asking to amend its proposals so as to respect the prerogatives of the Council under the Treaty³. Building on the progress made under the previous Presidencies, the Luxembourg Presidency resumed the works on this file, after taking note of the reply by the Commission to the Council letter⁴ and the outcome of an assessment of the current schemes carried out by the Commission.
5. The Special Committee on Agriculture (SCA), at its meeting of 12 October 2015, granted the Presidency a mandate for the first informal trilogue which took place on 20 October.
6. On that occasion the EP spelled out its three priority requests, i.e. that the provisions concerning the total amount of the aid allocated under the scheme, the criteria for the allocation of national envelopes and the transfers of allocations between the two parts of the scheme are based on Article 43(2) TFEU, instead of Article 43(3) TFEU as proposed by the Council. It made clear that, in the absence of a satisfactory reply from the Council on those three issues, it would not agree on starting negotiating the substance of the proposal.
7. On 20 October 2015, the Chair and the political coordinators of the EP Committee on Agriculture and Rural Development, together with the rapporteur on the school scheme, Mr Tarabella, co-signed a letter addressed to EP President Schulz asking to convey a firm message to the Commission President on the need to support the Parliament on the issue of the legal basis. President Schulz followed the invitation by the Committee on Agriculture and on 3 November 2015 he wrote a letter to Mr Juncker asking the College to form a united front with the EP on the issue of the legal basis.

² See decision of Coreper on 7 March 2014 (doc. 6784/14).

³ Doc. 14533/14.

⁴ Doc. 11164/15.

8. At its meetings of 26 October and 9 November 2015, the SCA discussed and approved a revised mandate, according to which one out of the three requests of the EP, i.e. the total amount of the aid allocated under the scheme, is moved from the draft Council Regulation to the draft Regulation to be adopted under the ordinary legislative procedure. This movement is subject to conditions, notably that the EP should reciprocate and accept to discuss the substance of the proposal.
9. At the second trilogue, which took place on 11 November 2015, the EP, while welcoming the Council offer, confirmed that it would not negotiate if, in advance, it would not get as a first step a positive answer also to its request on transfers and on transparency on the whole Council position.
10. The Presidency still considers that this file should be brought to a positive conclusion, also taking into account that it is an element of the € 500 million aid package prepared by the Commission to stabilize the EU market (notably in the dairy sector) and alleviate the difficult situation of EU farmers.
11. Noting that, on the substance, the two institutions are not too far away in their respective positions and therefore an agreement is within reach, the Presidency invites delegations to be ready to be flexible on further movements on the EP requests referred to in paragraph 6 in order to meet the objective of a first reading agreement.
